

REMARKS

The Present Invention and Pending Claims

Claim 3 is pending and directed to a nucleotide sequence of mutant protein kinase regulatory subunit 1A gene.

Amendments to the Specification and Sequence Listing

The specification has been amended to point out more particularly the present invention. Additionally, applicants have submitted a new Sequence Listing to reflect the amendment of SEQ ID NO:41. The amendments to the specification and Sequence Listing are supported by the specification at, for example, page 22, lines 6-10. Accordingly, no new matter has been added by way of these amendments.

Amendments to the Claims

Claims 1, 2, and 4-38 have been canceled as directed to non-elected subject matter. Applicants reserve the right to pursue any canceled subject matter in a continuation, continuation-in-part, divisional application, or other application. Cancellation of any subject matter should not be construed as abandonment of that subject matter.

The Office Action

The Office has rejected claim 3 under 35 U.S.C. § 112, second paragraph, for allegedly being indefinite. Claim 3 also has been rejected under 35 U.S.C. § 112, first paragraph, for allegedly lacking enablement. The Office also has rejected claim 3 under 35 U.S.C. § 102(a) as allegedly anticipated by Casey et al. (*J. Clin. Invest.*, 106, R31-R38 (2000)). Reconsideration of these rejections is hereby requested.

Information Disclosure Statement

The Office contends that the Information Disclosure Statement filed July 23, 2002, is improper because copies of the cited references allegedly were not supplied by Applicants. Per the telephone conversation with Examiner Fredman on August 12, 2003, Applicants herein submit copies of the literature references 8-136, but not the patent documents 1-7, as instructed by Examiner Fredman. These references were previously submitted with the Information Disclosure Statement filed July 23, 2002, and received by the U.S. Patent Office and Trademark Office (as indicated by the return postcard, a copy of which is attached hereto). Therefore, the Information Disclosure Statement filed July 23, 2002 is not improper.

Applicants request that Examiner Fredman initial and return to Applicants' attorneys the PTO-1449 form evidencing consideration of the references listed therein.

Discussion of the Rejections

The Office has rejected claim 3 for alleged indefiniteness. Specifically, the Office contends that SEQ ID NO:41 of claim 3 is indefinite, because the specification describes a two base pair deletion of TG, but the nucleotide sequence at page 94, lines 7-9, and in the Sequence Listing, denotes only a single base pair deletion of G. The single base pair deletion was a typographical error, and applicants have amended the specification and provided a new Sequence Listing to recite a two base pair deletion of TG in SEQ ID NO:41. Accordingly, the indefiniteness rejection is considered to be moot and should be withdrawn.

The Office also has rejected claim 3, provided that Applicants meant for SEQ ID NO:41 to show a single base pair mutation. Since the single base pair deletion of SEQ ID NO:41 was a typographical error that has been corrected by Applicants, this rejection is considered to be moot.

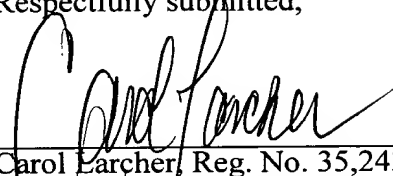
Additionally, the Office has rejected claim 3 as allegedly anticipated under Section 102(a) in view of the Casey reference. The Office contends that the Casey reference teaches a two base pair deletion of TG at positions 576 and 577. Applicants have submitted a Declaration under 37 C.F.R. § 1.131, which describes that Applicants conceived of, and reduced to practice, the present invention before the publication date of the Casey reference, and at least as early as March 23, 2000, when the manuscript of Kirschner et al., *Nat. Genet.*, 26, 89-92 (2000) was submitted for publication. Accordingly, the Section 102(a) rejection should be withdrawn.

Conclusion

The application is considered to be in good and proper form for allowance, and the Examiner is respectfully requested to pass this application to issue. If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned attorney.

In re Appln. of Stratakis et al.
Application No. 09/935,916

Respectfully submitted,



Carol Earcher, Reg. No. 35,243
LEYDIG, VOIT & MAYER, LTD.
Two Prudential Plaza, Suite 4900
180 North Stetson
Chicago, Illinois 60601-6780
(312) 616-5600 (telephone)
(312) 616-5700 (facsimile)

Date: August 29, 2003

m:\Clients\NHFA\md218138 roa1.doc